

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariel Courage	Team: Team # 5	CCRB Case #: 201401385	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/06/2013 , Monday, 02/10/2014 9:06 PM	Location of Incident: § 87(2)(b)	Precinct: 79	18 Mo. SOL 8/10/2015	EO SOL 8/10/2015	
Date/Time CV Reported Tue, 02/11/2014 4:08 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/11/2014 4:08 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jamaal Miller	18339	939039	079 PCT
2. SGT David Leonardi	04982	930557	079 PCT
3. POM Andrew Ho	11741	941907	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT David Leonardi	Abuse: Sgt. David Leonardi stopped § 87(2)(b)	§ 87(2)(b)
B.POM Jamaal Miller	Abuse: PO Jamaal Miller stopped § 87(2)(b)	§ 87(2)(b)
C.POM Jamaal Miller	Abuse: PO Jamaal Miller frisked § 87(2)(b)	§ 87(2)(b)
D.POM Jamaal Miller	Abuse: PO Jamaal Miller searched § 87(2)(b)	§ 87(2)(b)
E.POM Jamaal Miller	Discourtesy: PO Jamaal Miller spoke rudely to § 87(2)(b)	§ 87(2)(b)
F.SGT David Leonardi	Discourtesy: Sgt. David Leonardi spoke rudely to § 87(2)(b)	§ 87(2)(b)
G.POM Andrew Ho	Discourtesy: PO Andrew Ho spoke rudely to § 87(2)(b)	§ 87(2)(b)

Case Summary

On February 11, 2014, § 87(2)(b) filed this complaint with the CCRB by telephone (encl. [4A-B]). On February 10, 2014, at 9:06 p.m., in the vicinity of § 87(2)(b) in Brooklyn, PO Jamaal Miller of the 79th Precinct stopped § 87(2)(b). The following allegations resulted:

Allegation A – Abuse of Authority: Sgt. David Leonardi stopped § 87(2)(b)

Allegation B – Abuse of Authority: PO Jamaal Miller stopped § 87(2)(b)

Allegation C – Abuse of Authority: PO Jamaal Miller frisked § 87(2)(b)

Allegation D – Abuse of Authority: PO Jamaal Miller searched § 87(2)(b)

Allegation E – Discourtesy: PO Jamaal Miller spoke rudely to § 87(2)(b)

Allegation F – Discourtesy: Sgt. David Leonardi spoke rudely to § 87(2)(b)

Allegation G – Discourtesy: PO Andrew Ho spoke rudely to § 87(2)(b)

§ 87(2)(g)

On March 13, 2014, a portion of this complaint was referred to IAB to address allegations of harassment.

Results of Investigation

Civilian Statement

Complainant: § 87(2)(b)

- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is a black man, 5'11" tall, 200 pounds, with black hair, brown eyes, and glasses. § 87(2)(b) is § 87(2)(b)'s cousin and is § 87(2)(b)*

CCRB Statement (encl. [4A-B])

§ 87(2)(b) was inside of § 87(2)(b) at the time of this incident and did not witness the encounter between § 87(2)(b) and the officers.

Victim: § 87(2)(b)

- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is a black man, 6'0" tall, 240 pounds, with black hair, brown eyes, and a beard. § 87(2)(b) is the § 87(2)(b)*

CCRB Statement

§ 87(2)(b) provided a telephone statement on February 18, 2014 (encl. [4C]), and an in-person statement on February 21, 2014 (encl. [4D-I]). § 87(2)(g) On February 10, 2014, at approximately 9 p.m., § 87(2)(b) was working at § 87(2)(b) at § 87(2)(b) in Brooklyn. § 87(2)(b) carried a carton of cigarettes in his front jacket pocket, his cell phone, his wallet and an unspecified amount of money in his front right pants pocket, and keys hooked onto his front right pants pocket. § 87(2)(b) denied carrying anything else, and did not think his pockets had any visible bulges.

§ 87(2)(b) left the barber shop to go to the corner grocery store with his friend, § 87(2)(b) and § 87(2)(b) ran into each other at the intersection of Franklin and Putnam Avenues, where Green Organic Deli is located. Inside Green Organic Deli, § 87(2)(b) purchased a candy bar, which he consumed before returning to § 87(2)(b). § 87(2)(b) and § 87(2)(b) returned to stand to the right of § 87(2)(b). There is a garbage area there, where five trash cans are stored in a metal rack and are used by the tenants of § 87(2)(b). § 87(2)(b) began bagging up the trash and put it at the curb for pick up as the barber shop was about to close. § 87(2)(b) was also speaking to a family member, § 87(2)(b) via an earpiece on his cell phone. As § 87(2)(b) faced the garbage rack with his back to the street, an unmarked black sedan pulled up to the curb behind him. § 87(2)(b) was not able to pick up any trash before three police officers exited the sedan and approached.

As PO Miller approached, he said, § 87(2)(b) we meet again.” § 87(2)(b) felt that the officers were targeting him because he filed a complaint with the CCRB regarding his November 6, 2013 arrest. § 87(2)(b) slid a few feet to the side, away from the trash area, where he knew the camera from the corner deli would be better able to capture the incident. § 87(2)(b) denied making any furtive movements either immediately before or during the stop. PO Miller ordered § 87(2)(b) to put his hands up. § 87(2)(b) complied. (In his telephone statement, § 87(2)(b) alleged that PO Miller said, “Shut the fuck up, turn around, and get against the wall”). § 87(2)(b) repeatedly questioned officers, asking, “Why are you searching me?” PO Miller and Sgt. Leonardi repeatedly told § 87(2)(b) “Shut the fuck up.” PO Miller also told § 87(2)(b) that he was stopped because “[officers] do whatever the fuck we want to do.” Sgt. Leonardi grabbed § 87(2)(b) by the back of his shirt and his right shirt-sleeve to hold him in place while PO Miller patted down his waistband, his socks, his back, and his arms. PO Miller reached inside all of § 87(2)(b)’s pockets and removed items inside, including his wallet (in his telephone statement, § 87(2)(b) alleged that Sgt. Leonardi also reached inside his pockets, and that neither Sgt. Leonardi nor PO Miller patted them down prior). No contraband was recovered from the search. PO Ho stood nearby holding his flashlight.

During the frisk and search, § 87(2)(b) was still on the call to § 87(2)(b). Sgt. Leonardi said, “Didn’t I tell you to hang the fucking phone up?” When § 87(2)(b) bent to retrieve the earpiece, which had fallen on the ground, PO Ho said, “Leave it the fuck down there. Don’t fucking move.”

§ 87(2)(b) estimated that the search of his person lasted approximately five minutes. PO Miller told § 87(2)(b) “You’re supposed to be street, but all you are is a fucking snitch.” § 87(2)(b) believed that this was a reference to his CCRB complaint regarding the § 87(2)(b) 2013, incident.

After the search was completed, PO Miller requested § 87(2)(b)’s identification, which § 87(2)(b) provided (in his telephone statement, § 87(2)(b) said he never provided identification, nor was it requested). Officers then walked back to their vehicle and left the scene. § 87(2)(b) was not arrested or issued summonses. § 87(2)(b) estimated the encounter lasted seven minutes.

Attempts to Contact Civilians

Attempts to contact § 87(2)(b) and § 87(2)(b) yielded no results.

NYPD Statements:

Subject Officer: PO JAMAAL MILLER

- *At the time of this incident, PO Miller, an officer of the 79th precinct, was § 87(2)(b) old. PO Miller is a black man, 5'11" tall, 210 pounds, with black hair and hazel eyes.*

Computerized and Handwritten Stop, Question, and Frisk Report (encl. [5A-E])

The crime suspected was criminal possession of a weapon. The circumstances leading to the stop included furtive movements and actions indicative of engaging in violent crimes. § 87(2)(b) was frisked on the basis of furtive movements and actions indicative of engaging in violent crimes. § 87(2)(b) was searched on the basis of an outline of a weapon. A knife or cutting instrument was found. The additional circumstances included proximity to the scene of suspected offense.

Memo Book (encl. [5F-G])

CCRB Statement (encl. [5H-K])

PO Miller was interviewed at the CCRB on April 16, 2014. On February 18, 2014, PO Miller was driving the RMP with PO Ho and Sgt. Leonardi. As PO Miller made a right turn from Putnam Avenue onto Franklin Avenue, PO Miller observed § 87(2)(b) facing a wall to the right of a storefront. § 87(2)(b) stood approximately one car length away from PO Miller. PO Miller had an unobstructed view of § 87(2)(b) and the area was well-lit. § 87(2)(b) looked over his shoulder as PO Miller turned the corner. As he turned the corner, PO Miller saw that he appeared to have something in his hand. PO Miller could not describe the object that he held and did not remember in which hand he held it. PO Miller believed it was around his waistband area.

PO Miller stopped the vehicle parallel to § 87(2)(b). When PO Miller exited his vehicle, he was attempting to ascertain whether or not § 87(2)(b) was carrying a weapon. He exited the RMP with the intention to stop and question § 87(2)(b) and to inform him of why he was stopped. It was not until he began approaching § 87(2)(b) that he saw he was urinating. PO Miller saw a stream of urine and saw a puddle of urine forming on the ground. His genitals were also outside of his pants, although PO Miller was unclear about at what point he observed his genitals. PO Miller indicated that even though he saw him urinating, his suspicions were still high because he could not see his hands and thought he could still be holding "something." PO Miller could not describe where § 87(2)(b)'s hands were. § 87(2)(b) grabbed a large piece of wood as PO Miller moved closer to him. The piece of wood obstructed PO Miller's view of § 87(2)(b) from the waist down.

He recognized § 87(2)(b) from a prior arrest he made on § 87(2)(b) 2013 and noticed an open container of malt liquor on the ground a few feet away from him. PO Miller announced himself as a police officer. He ordered § 87(2)(b) to put the piece of wood down and to put his hands against the wall. § 87(2)(b) complied. As § 87(2)(b) turned to place his hands upon the wall, PO Miller observed a two to three-inch bulge in one of § 87(2)(b)'s pants pockets which he immediately suspected to be a knife, though he did not remember what kind. There was a clip for the knife that was visible outside of the pocket. The rest of the knife was not visible. PO Miller frisked § 87(2)(b) on the basis of "something" that he'd seen, as well as this bulge. PO Miller patted down § 87(2)(b)'s body from his neck to his waist. He recovered the knife that was attached to the clip. PO Miller could not describe this knife except that it was approximately four inches long. PO Miller did not reach into

his pocket to retrieve the knife. He did not frisk or search any other area of § 87(2)(b) § 87(2)(b) explained that he carried the knife because he worked § 87(2)(b).

§ 87(2)(b) made some comment to the effect of, “I didn’t rat you out, my brother did,” possibly referring to a CCRB complaint that was filed by both § 87(2)(b) After frisking § 87(2)(b) PO Miller requested his identification, which § 87(2)(b) provided. Sgt. Leonardi instructed PO Miller not to issue him a summons.

He prepared a Stop, Question and Frisk report for the suspected weapon. PO Miller said that the “furtive movements” listed referred only to § 87(2)(b) s attempt to grab the piece of wood and pull it in front of his waist. The “actions indicative of engaging in violent crime” referred to the wood, the fact that PO Miller could not see his hands, and the fact that he did not know what § 87(2)(b) was going to do with the wood. The “proximity to scene of suspected offense” referred to § 87(2)(b) s violation of local law by urinating in public.

PO Miller did not say, “Didn’t I tell you to hang the fucking phone up,” “Leave it the fuck down there, don’t fucking move,” “Shut the fuck up,” “We do whatever the fuck we want to,” “You’re supposed to be street but all you are is a fucking snitch,” and never heard any officer make any of these statements. PO Miller did not use profanities or physical force against § 87(2)(b) and did not see any other officer do so.

Subject Officer: SGT. DAVID LEONARDI

- *At the time of the incident, Sgt. Leonardi, assigned to the 79th precinct, was § 87(2)(b) old. Sgt. Leonardi is a white male, 6’3” tall, 250 pounds, with brown hair and blue eyes.*

Memo Book (encl. [5L-N])

CCRB Statement (encl. [5O-R])

Sgt. Leonardi was interviewed at the CCRB on April 8, 2014. § 87(2)(g)

§ 87(2)(b) PO Ho was the operator of the vehicle, Sgt. Leonardi sat in the front passenger seat, and PO Miller sat in the backseat.

Sgt. Leonardi observed § 87(2)(b) standing alone on a dark section of Putnam Avenue, which to Sgt. Leonardi appeared strange. § 87(2)(b) had his back to the street and was urinating; Sgt. Leonardi observed a stream of his urine. Sgt. Leonardi and PO Miller exited the vehicle simultaneously. As they approached, § 87(2)(b) looked over his shoulder, noticed the presence of the officers, and immediately turned back around or “bladed” away so that his side was turned away from them. He pulled a piece of plywood in front of his body so that he was not visible from the waist down. He was looking down. His hands were at his front waistband for a few seconds. Sgt. Leonardi could not tell whether he had a weapon there or if he was “putting himself back together” after having urinated. When Sgt. Leonardi and PO Miller were approximately five feet from § 87(2)(b) they ordered him to show his hands. § 87(2)(b) § 87(2)(b) turned to face them and complied. PO Miller and Sgt. Leonardi placed § 87(2)(b) § 87(2)(b) s hands against the wall of the storefront.

§ 87(2)(b) appeared to be nervous and intoxicated. On the basis of the plywood and the movement of his hands at his waistband, PO Miller frisked him in the area of his waistband. Sgt. Leonardi did not search § 87(2)(b) and never saw any officer do so. Sgt. Leonardi never observed any bulges on § 87(2)(b) s clothing. Sgt. Leonardi did not remember any items being recovered from the frisk of § 87(2)(b) § 87(2)(b) s identification was requested and willingly provided § 87(2)(b) became extremely apologetic and said he really had to use the bathroom. Sgt. Leonardi remembered asking him, “If you work right here why didn’t you just go in the barbershop?” Sgt. Leonardi did not indicate how, if at all, § 87(2)(b)

§ 87(2)(b) responded. Although Sgt. Leonardi's initial intent on approaching § 87(2)(b) had been to issue him a summons for urinating in public, he decided to use his discretion and not issue him a summons because he was so apologetic.

Sgt. Leonardi denied using profanity or hearing any officer use profanity."

Witness Officer: PO ANDREW HO

- *At the time of this incident, PO Ho was § 87(2)(b) old. PO Ho, who works at the 79th precinct, is an Asian male, 6'1" tall, 230 pounds, with black hair and brown eyes.*

Memo Book (encl. [5S-U])

CCRB Statement (encl. [5V-X])

PO Ho was interviewed at the CCRB on August 13, 2014. PO Ho was driving very slowly on Putnam Avenue just past the intersection of Franklin Avenue when PO Miller told him, "Stop, that guy's pissing," pointing to § 87(2)(b). PO Ho did not observe the male urinating. PO Ho made no other observations of § 87(2)(b) and did not suspect him of any other criminality. PO Ho did not see § 87(2)(b) move a piece of wood or make any other furtive movements. PO Ho did not remember if § 87(2)(b) was pushed against a wall. § 87(2)(b) seemed intoxicated because he spoke loudly, but he otherwise showed no signs of intoxication. He was never rude or aggressive. PO Ho never saw bulges on his person. PO Miller frisked § 87(2)(b). PO Ho did not believe § 87(2)(b) was searched or any items recovered from his person. PO Ho denied using profanity towards § 87(2)(b) or hearing an officer do so.

Other Evidence

Video Footage (encl. [7A])

The video footage § 87(2)(b) provided from Green Organic Deli depicts the sidewalk and street on the north side of Putnam Avenue near the intersection with Franklin Avenue. The video is in color and is time-stamped but lacks audio.

At 9:06:02, the headlights of a vehicle are visible on Putnam Avenue, though the vehicle itself is not in view. At 9:06:04, § 87(2)(b) turns so that he fully faces the camera, his side to the street. He appears to be holding the piece of plywood in his left hand. By 9:06:04, § 87(2)(b) has turned to face the camera and slightly towards the approaching officers, the left side of his body to the wall. He walks a few steps towards the camera and the curb.

At 9:06:10, an officer, who § 87(2)(b) identified as PO Miller, approaches § 87(2)(b) while holding a flashlight. The flashlight shines on § 87(2)(b) who stands in the middle of the sidewalk. He is facing the camera, his right side to the street. He holds something, possibly the aforementioned piece of wood, in his left hand, which he then transfers to his right hand and leans against the gate to the garbage area. An officer, identified by the investigation as Sgt. Leonardi, follows PO Miller. PO Miller has approached § 87(2)(b) and is guiding him towards the wall when Sgt. Leonardi reaches him. By 9:06:21, § 87(2)(b) is fully against the wall, his arms spread. At 9:06:30, a third officer, identified by the investigation as PO Ho, also exits and approaches. It is difficult to see what then occurs due to the darkness and distance from the camera. At 21:10:30, the three officers return to their vehicle.

Status of Civil Proceedings (encl. [9A])

- Neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the City of New York as of September 12, 2014, more than three months past the filing deadline, with regard to the incident.

Civilians Criminal History (encl. [8A-CW])

- § 87(2)(b), § 87(2)(c)
[REDACTED]
- § 87(2)(b), § 87(2)(c)
[REDACTED]

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. [2L]).
- § 87(2)(b) has filed the following CCRB complaints (encl. [2M]):
 - § 87(2)(b)
[REDACTED]
 - [REDACTED]
 - [REDACTED]

Subject Officers CCRB History

- PO Jamaal Miller has been a member of the service for 9 years and there are four substantiated CCRB allegations against him (encl. [2A-D]).
 - In case 201210869, allegations of a stop, search of person, threat of physical force, and discourtesy were substantiated and the Board recommended charges.
- Sgt. David Leonardi has been a member of the service for 12 years and there are four substantiated CCRB allegations against him. (encl. [2E-H]).
 - In case 200410123, an allegation of property damage was substantiated and the Board recommended the command discipline. Sgt. Leonardi received command discipline – A.
 - In case 201107817, allegations of a stop, frisk, and search of person were substantiated. The Board recommended charges and Sgt. Leonardi received instructions.
- PO Andrew Ho has been a member of the service for 8 years and there is one substantiated CCRB allegation against him (encl. [2I-K]).
 - In case 201212149, an allegation of a stop was substantiated. The Board recommended charges.

Conclusion

Identification of Subject Officers

PO Miller, PO Ho, and Sgt. Leonardi all acknowledged interacting with § 87(2)(b). Because PO Miller matches the description provided by § 87(2)(b) and acknowledged stopping, frisking, and searching him, these allegations have been pleaded against him. § 87(2)(b) alleged that all officers cursed at him during this incident. Therefore allegations of discourtesy have been pleaded against all three officers.

Investigative Findings and Recommendations

Allegations Not Pleaded

Although § 87(2)(b) initially alleged that Sgt. Leonardi knocked his earpiece out of either his ear or his right hand to the ground, he later retracted this and said that he did not remember how his earpiece came to be on the ground. § 87(2)(g)

Allegation A – Abuse of Authority: Sgt. David Leonardi stopped § 87(2)(b)

Allegation B – Abuse of Authority: PO Jamaal Miller stopped § 87(2)(b)

Allegation C – Abuse of Authority: PO Jamaal Miller frisked § 87(2)(b)

Allegation D – Abuse of Authority: PO Jamaal Miller searched § 87(2)(b)

It is undisputed that PO Miller and Sgt. Leonardi stopped § 87(2)(b) and that both officers made observations of him that led them to approach him. PO Miller acknowledged frisking and searching § 87(2)(b)

§ 87(2)(b) said that when the officers approached, he was standing near the metal waste containers preparing to take garbage to the curb. When Sgt. Leonardi and PO Miller approached, Sgt. Leonardi held him while PO Miller frisked his waistband, socks, back, and arms. PO Miller reached inside all § 87(2)(b)'s pants and jacket pockets and removed items therein. No contraband was recovered from the frisk or the search. § 87(2)(b) had no suspicious bulges on his person and made no suspicious movements prior to the frisk and search.

PO Miller said that as he drove past, he observed § 87(2)(b) facing the wall. § 87(2)(b) looked over his shoulder. § 87(2)(b) appeared to have an object in his hand. PO Miller could not describe the object and did not remember how it was held, except that it was around his waistband. § 87(2)(b) turned to his right and grabbed a piece of wood, which he moved in front of his body, obstructing him from the waist down. When PO Miller exited the vehicle, his intent was to ascertain whether or not § 87(2)(b) possessed a weapon. Upon approach, PO Miller saw that § 87(2)(b) was actually urinating, and that his genitals were out, and that there was a puddle of urine on the ground. As PO Miller moved closer to § 87(2)(b) he saw a clip outside one of his pant pockets and a two-to-three inch bulge in the pocket beneath the clip. On the basis of this clip and bulge, PO Miller frisked § 87(2)(b) from his neck to his waist. PO Miller removed the knife, which he could not describe except as being four inches in length. § 87(2)(b) was not searched any further and the knife was returned to him. PO Miller listed two circumstances leading to the stop and frisk of § 87(2)(b) on the Stop, Question, and Frisk report, “furtive movements” and “actions indicative of engaging in violent crime,” which PO Miller explained referred back to the aforementioned furtive movements. The additional circumstance of “proximity to suspected offense” referred to the public urination. PO Miller decided not to issue § 87(2)(b) a summons for the public urination.

Sgt. Leonardi said that before exiting the police vehicle, he saw him urinating and his intent was to issue him a summons. Sgt. Leonardi later decided not to issue him a summons because he was so apologetic. As he approached, § 87(2)(b) made furtive movements, including “blading” his body away from officers, fidgeting around his waistband, and pulling a piece of plywood in front of his lower body. Sgt. Leonardi could not tell if these furtive movements were an attempt to conceal the signs of his public urination or to conceal a weapon. PO Miller frisked § 87(2)(b) on the basis of these movements. Sgt. Leonardi did not believe any items were recovered from the frisk and did not remember if he was searched.

PO Ho indicated that prior to stopping the police vehicle, PO Miller told him he'd seen § 87(2)(b) urinating. PO Ho did not remember observing any furtive movements, suspicious bulges, or signs of public urination from § 87(2)(b) PO Ho did not remember any items being recovered from § 87(2)(b)

Video footage showed § 87(2)(b) facing the storefront for approximately 40 seconds before officers approached. Due to the darkness of the picture, § 87(2)(b)'s distance from the camera, and the fact that the garbage containers obscure him from the waist down, it is not possible to see what he is doing during this time. As PO Miller approaches him, § 87(2)(b) turns to face him while holding a piece of plywood. He holds it for a few seconds before putting it down.

A person is considered to be stopped when they are detained by virtue of a significant interruption of liberty of movement. An officer may stop an individual when he reasonably suspects that the person has committed, is committing, or is about to commit a crime. An officer must reasonably suspect based on a totality of the circumstances that a person is armed in order to conduct a frisk. People v. De Bour, 40 N.Y.2d 210 (1976) (encl. [1A-K]) An officer who frisks a suspect and feels a possible weapon on a suspect's person may subsequently search the suspect for that possible weapon and remove it. People v. Walton, 4 Misc. 3d 1018(A) (Sup. Ct., Bronx Co. 2004) (encl. [L-N]) An officer must have reason to believe that an object observed is a gravity knife, as opposed to a similar but legal object, based on observable, identifiable characteristics of the knife, before they can conduct a frisk on the basis of suspected possession of a knife. People v. Cruz, 39 Misc. 3d 52 (App. Term, 2nd Dept., 2013) (encl. [1O-Q]) Innocuous behavior, even in a high crime area, does not provide reasonable suspicion. People v. Hampton, 200 A.D.2d 466 (1994) (encl. [1R-T])

A person is considered to be stopped when they are detained by virtue of a significant interruption of liberty of movement. An officer may stop an individual when he reasonably suspects that the person has committed, is committing, or is about to commit a crime. People v. De Bour, 40 N.Y.2d 210 (1976) (encl. [1A-K])

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Discourtesy: PO Jamaal Miller spoke rudely to § 87(2)(b)

Allegation F – Discourtesy: Sgt. David Leonardi spoke rudely to § 87(2)(b)

Allegation G – Discourtesy: PO Andrew Ho spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that during the encounter, PO Miller told him, “Shut the fuck up,” “We do whatever the fuck we want to do,” and, “You’re supposed to be street, but all you are is a fucking snitch.” He also alleged that Sgt. Leonardi said, “Didn’t I tell you to hang the fucking phone up,” and, “Shut the fuck up,” and that PO Ho told him, in reference to his earpiece, “Leave it the fuck down there. Don’t fucking move.”

PO Miller, PO Ho, and Sgt. Leonardi denied making the above statements, or hearing any officers make them. All denied using profanity throughout this incident.

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date